

UNITED STATES DISTRICT COURT
DISTRICT OF SOUTH DAKOTA
CENTRAL DIVISION

<p>AGTEGRA COOPERATIVE,</p> <p style="text-align: center;">Plaintiff,</p> <p style="text-align: center;">vs.</p> <p>SACRAMENTO ENERGY RESOURCES, L.L.C., PICO PROPANE OPERATING, L.L.C.,</p> <p style="text-align: center;">Defendants.</p>	<p style="text-align: center;">3:23-CV-03032-ECS</p> <p style="text-align: center;">ORDER GRANTING STAY AND SCHEDULING HEARING ON PENDING MOTIONS</p>
---	---

On November 30, 2023, this case was removed to the United States District Court for the District of South Dakota from South Dakota’s Sixth Judicial Circuit Court. In March 2024, Defendant Sacramento Energy Resources, L.L.C., moved “to dismiss this action pursuant to the doctrine of *forum non conveniens* and/or Federal Rule of Civil Procedure 12(b)(6).” Doc. 22. Alternatively, Defendant Sacramento Energy Resources, L.L.C., asks this Court to transfer the case to the United States District Court for the Northern District of Texas, Fort Worth Division, pursuant to 28 U.S.C. § 1404(a). Id. Defendant principally argues the contract that Plaintiff Agtegra Cooperative and Defendant Sacramento Energy Resources, L.L.C. entered contains a forum selection clause that controls what law, venue, and forum applies in this case. See Doc. 23. Plaintiff subsequently moved to strike certain materials that Defendants submitted in support of the Motion to Dismiss, or in the Alternative, to Transfer. Doc. 30. Both motions remain pending.

The undersigned acquired this case by order of reassignment on June 12, 2024. Doc. 35. At that time, the Rule 16 Scheduling Order set the following deadlines:

- The identity of and reports from retained experts under Rule 26(a)(2) are due from Plaintiff by **July 1, 2024**, and from Defendant by **August 1, 2024**. The identity of and reports from any retained rebuttal expert is due by **September 1, 2024**.
- All discovery, including expert discovery must be commenced in time to be completed by **November 30, 2024**.
- All motions, other than motions in limine, together with supporting briefs, must be filed and served on or before **December 15, 2024**.

Doc. 17. Defendant Sacramento Energy Resources, L.L.C., recently filed a Motion to Stay Rule 16 Scheduling Order and Discovery pending the resolution of its Motion to Dismiss or, in the Alternative, to Transfer. Doc. 38.

This Court has inherent authority to stay discovery. “The power to stay proceedings is incidental to the power inherent in every court to control the disposition of the causes on its docket.” Landis v. N. Am. Co., 299 U.S. 248, 254 (1936). Assoc. of Equip. Mfrs. v. Burgum, Case No. 17-cv-151, 2018 U.S. Dist. LEXIS 216377, at *3 (D.N.D. Mar. 5, 2018) (“A district court has broad discretion to stay proceedings when appropriate to control its docket, converse [sic] judicial resources, and ensure the matter is handled with economy of time and effort for itself, counsel, and litigants.”). “A district court has very wide discretion in handling pretrial discovery and [the appellate court is] most unlikely to fault its judgment unless, in the totality of the circumstances, its rulings are seen to be a gross abuse of discretion” United States ex rel. Kraxberger v. Kan. City Power & Light Co., 756 F.3d 1075, 1082 (8th Cir. 2014) (quoting Voegeli v. Lewis, 568 F.2d 89, 96 (8th Cir. 1977)). While this Court recognizes that Plaintiff has not had an opportunity to respond to Defendant’s Motion for Stay, given this Court’s recent acquisition of this case and the imminent expert disclosure and discovery deadline, it finds a stay of discovery appropriate pending the resolution of the unresolved motions. Therefore, it is hereby

ORDERED that the Motion to Stay Rule 16 Scheduling Order and Discovery, Doc. 38, is granted, and all deadlines in this case are stayed pending the resolution of Defendant Sacramento

Energy Resources, L.L.C.'s Motion to Dismiss, or in the Alternative Transfer, Doc. 22, and Plaintiff's Motion to Strike, Doc. 30. It is further

ORDERED that oral argument on the pending motions in this case (Defendant Sacramento Energy Resources, L.L.C.'s Motion to Dismiss, or in the Alternative Transfer, Doc. 22, and Plaintiff's Motion to Strike, Doc. 30) is scheduled for **August 23, 2024, at 10:00 a.m.**, in the Courtroom of the U.S. Courthouse in Sioux Falls, South Dakota.

DATED this 31st day of July, 2024.

BY THE COURT:

A handwritten signature in black ink, appearing to read 'Eric C. Schulte', is written over a horizontal line.

ERIC C. SCHULTE
UNITED STATES DISTRICT JUDGE